judges trouble and annoyance, in understanding, explaining, and distinguishing. It scarcely sheds a ray of light upon the obscure maze of the law of homesteads.

NUISANCE: UNDERTAKING ESTABLISHMENT IN RESIDENCE DISTRICT—Plaintiffs sought an injunction against an anticipated nuisance in the form of an undertaking establishment and funeral parlor in a residential neighborhood. *Held:* reversing the judgment of the lower court, that the mere annoyance and depression to the neighboring property owners occasioned by the proximity of dead bodies, funeral processions, etc., was not sufficient to constitute the establishment a nuisance. *Dean v. Powell Undertaking Company* (1921) 36 Cal. App. Dec. 921.

The holding of the trial court finds some support in decisions from other states, although in most instances where injunctions were granted, additional grounds, such as the noxious odor of formaldehyde or the danger of contagion through flies, seem also to have been relied upon. Should the psychological effect alone be sufficient to constitute such an establishment a nuisance? The Michigan Supreme Court in Saier v. Joy (1917) 198 Mich. 295, 164 N. W. 507, notes that "it requires no deep research in psychology to reach the conclusion that the constant reminder of death has a depressing influence upon the normal person. . . . Mental depression, horror and dread lower the vitality, rendering one more susceptible to disease, and reduces the power of resistance." In the opinion of the Nebraska court, in Beisel v. Crosby (1920) 104 Neb. 643, 178 N. W. 272, a similar view is expressed: "The business which defendant conducts among the homes of plaintiffs will tend to depress them mentally, to lower their vitality, and to weaken their power to resist disease." Injunctions have also been granted to prevent the location of hospitals for the treatment of cancer and tuberculosis in residence districts, the basis of the decision being that the general fear of contagion, though scientifically groundless, is sufficient proof of an unlawful interference with the enjoyment of the nearby property. Stotter v. Rochelle (1910) 83 Kan. 86, 109 Pac. 788, (cancer hospital); Everett v. Paschall (1910) 61 Wash. 47, 111 Pac. 879, (tuberculosis sanitarium). On the other hand, this view has been definitely rejected. Rea v. Tacoma Mausoleum Ass'n (1918) 103 Wash. 429, 174 Pac. 961 (mausoleum); Westcott v. Middleton (1887) 43 N. J. Eq. 478, 11 Atl. 490 (undertaker); City of Northfield v. Board, etc, of Atlantic County (1915) 85 N. J. Eq. 47, 95 Atl. 745 (tuberculosis hospital); Fleet v. Metropolitan Asylum Board (1886), 2 Times Law Reports, 361 (smallpox hospital). As the District Court of Appeal remarks in the instant case, if under the facts shown, an injunction could be had against the establishment in question, "then it would seem to follow that for the very same reasons nearly every hospital in the land could be enjoined."

PLEADING: RIGHT OF REAL ESTATE BROKER WITHOUT LICENSE TO RECOVER COMMISSION—Two opposing views have been taken by different divisions of the District Court of Appeal of a situation which gives the court an opportunity to be either liberal or technical on a point of pleading. An act of the legislature passed in 1919 created a state real estate department, a real estate